

URGENSI FORENSIK DIGITAL DALAM PROSES PEMBUKTIAN TINDAK PIDANA PENCUCIAN UANG PADA TINGKAT PENYIDIKAN

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INTISARI

Penelitian ini memiliki 2 (dua) tujuan. *Pertama*, untuk mengkaji urgensi implementasi forensik digital dalam penyidikan perkara Tindak Pidana Pencucian Uang. *Kedua*, menelaah penerapan forensik digital dalam perkara Tindak Pidana Pencucian Uang pada Kepolisian RI dan Kejaksaan RI, serta kendala-kendala yang dihadapi.

Penelitian ini menggunakan kombinasi antara metode penelitian hukum normatif dan penelitian hukum empiris. Data primer dalam penelitian ini diperoleh melalui metode wawancara kepada responden dan narasumber. Sedangkan, data sekunder diperoleh dari studi kepustakaan yang berasal dari bahan hukum primer, sekunder, dan tersier. Data yang diperoleh dari hasil penelitian kemudian dianalisis menggunakan teknik analisis kualitatif dan disajikan secara deskriptif.

Hasil penelitian ini menunjukkan bahwa UU Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik telah mengatur keabsahan bukti elektronik dalam pembuktian. Forensik digital pada perkara TPPU hanya diterapkan jika terdapat bukti elektronik di dalamnya. Fungsi fundamental forensik digital dalam proses penyidikan, yaitu untuk menjamin keutuhan bukti elektronik sehingga dapat dipertanggungjawabkan di persidangan. Selain itu, forensik digital juga berguna dalam mengembangkan perkara TPPU dengan menggali dan merekonstruksi bukti elektronik yang relevan. Implementasi forensik digital di Kepolisian RI dan Kejaksaan RI masih menemukan berbagai kendala, *Pertama*, ketidaktahuan penyidik dalam menangani bukti elektronik. *Kedua*, proses pemeriksaan forensik digital yang relatif lama. *Ketiga*, tantangan pencucian uang yang semakin canggih menggunakan sarana siber dan kriptografi. Masih diperlukan perbaikan berupa mengesahkan RUU KUHAP, mewajibkan penggunaan standar penanganan bukti elektronik tertentu, dan meningkatkan kuantitas serta kualitas penyidik Kepolisian RI dan Kejaksaan RI agar mampu menangani bukti elektronik secara tepat dan efektif dalam mengembangkan perkara.

Kata Kunci: Forensik Digital, Penyidikan Tindak Pidana Pencucian Uang, Bukti Elektronik.

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THE URGENCY OF DIGITAL FORENSICS ON THE INVESTIGATION STEP IN THE PROCESS OF PROVING MONEY LAUNDERING

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ABSTRACT

This research aims 2 (two) objectives. First, to examine the urgency of implementing digital forensics in the investigation of Money Laundering cases. Second, to examine the application of digital forensics in Money Laundering cases at the Indonesian Republic Police (Kepolisian RI) and the Indonesian Attorney Office (Kejaksaan RI), as well as the obstacles that they are faced.

This research uses a combination of normative legal research and empirical legal research methods. The primary data in this study was obtained through the interview method to respondents and resource persons. Meanwhile, the secondary data are obtained from literature studies derived from primary, secondary, and tertiary legal materials. The data obtained from the results of the study were then analyzed using qualitative analysis techniques and presented descriptively.

The results of this study show that the Act Number 11 of 2008 Electronic Information and Transactions (UU ITE) has regulated about the validity of digital evidence. Digital forensics is only applied to money laundering cases in which there is digital evidence involved. The fundamental function of digital forensics in the investigation process is to ensure the integrity and authentication of digital evidence, so that it can be accounted for in court. Other than that, digital forensics is also useful in developing money laundering cases by extracting and reconstructing relevant digital evidence. The implementation of digital forensics in the Indonesian Republic Police and the Indonesian Attorney Office still encounters various obstacles. First, the ignorance of investigators in handling digital evidence. Second, the process of digital forensic examination is relatively long. Third, the challenge of increasingly sophisticated money laundering using cyber and cryptographic means. Several improvements are still needed, for example passing the Draft of Criminal Procedure Act (RUU KUHP), oblige the use of certain standard on handling digital evidence, and increasing the quantity and quality of Indonesian Republic Police and Indonesian Attorney Office investigators, so that they will be able to handle digital evidence appropriately and able to develop cases effectively.

Keywords: Digital Forensics, Money Laundering Investigation, Digital Evidence.

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